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June 17, 2003

The Honorable John Ashcroft
Attorney General of the United States
U.S. Department of Justice
10th and Constitution Avenue, N.W.
Washington, DC 20530

Dear Mr. Attorney General:

It has just come to my attention that there are several additional potential conflicts of interest concerning the Justice Department investigating the Westar campaign finance matter.

First, I have learned that one of your top staffers when you were Governor of Missouri, Carl Koupal is a central figure in the alleged improprieties. After being your employee when you were serving as Governor, I understand Mr. Koupal accepted a high ranking position within Westar (Chief Administrative Officer) and later donated \$500 to your most recent Senate campaign. According to a Report of Special Committee of the Board of Directors of Westar completed on April 2, 2003, Mr. Koupal was at the heart of the improper donation scheme involving Westar and the Republicans.

Second, Westar lobbyist Richard Bornemann, was intimately involved in the Republican National Committee's get-out-the-vote campaign in last November's election headed by White House political advisor Karl Rove and Rep. Tom DeLay (R-Tex).¹ Mr. Bornemann also contributed \$2,000 to your last Senate campaign.

The fact that one of your previous staffers (Mr. Koupal) is intimately involved in the allegations of wrongdoing, and that another lobbyist (Mr. Bornemann) involved in possible illegalities is so close with the White House and the House Republican Leadership adds to the list of possible conflicts of interest itemized in my letter to you of last Friday and serve to further

¹Jim VandeHei and Dan Balz, "In GOP Win, A Lesson in Money, Muscle, Planning," *Washington Post*, November 10, 2002.

strengthen the case for the appointment of a special counsel. The fact that both have made political contributions to you compounds the need for an independent inquiry free of any suspicion of partisan taint or bias.

As you know, under the Department's regulations, the Attorney General is required to appoint a special counsel when (1) a "criminal investigation of a person or matter is warranted," (2) the investigation "by a United States Attorney's Office or litigating Division of the Department of Justice would present a conflict of interest for the Department," and (3) "it would be in the public interest to appoint an outside Special Counsel to assume responsibility for the matter."² I believe all of these factors are clearly present in this case.

I look forward to promptly hearing whether you will appoint a Special Counsel and, if not, the reason for your decision. Should you have any questions or concerns about this request, please feel free to contact me through the House Judiciary Committee Staff, 2142 Rayburn House Office Building, tel. 202-225-6504, fax 202-225-4423.

Sincerely,



John Conyers, Jr.
Ranking Member

cc: The Honorable F. James Sensenbrenner, Jr., Chairman
U.S. House Judiciary Committee

The Honorable Will Moschella, Assistant Attorney General
U.S. Department of Justice, Legislative Affairs

²28 C.F.R. Sec. 600.1 (2002).